



State of Wisconsin
2011 - 2012 LEGISLATURE

IN 219

Wanted 2/10

2011 BILL



LRB-3802/1

GMM:wlj:jm RMR

Stays

Regenerate

1 AN ACT *to renumber and amend* 48.355 (2b), 48.38 (1) (b), 48.38 (4) (fm),
2 938.355 (2b), 938.38 (1) (b) and 938.38 (4) (fm); *to amend* 48.028 (4) (g) 1. d.,
3 48.07 (5) (c), 48.21 (5) (d), 48.235 (4) (a) 1., 48.235 (4) (a) 2., 48.235 (4m) (a) 1.,
4 48.235 (4m) (a) 2., 48.236 (3) (b), 48.299 (4) (b), 48.315 (2m) (b), 48.32 (1) (b) 1.
5 c., 48.32 (1) (c), 48.33 (4) (a), 48.33 (4) (c), 48.335 (3g) (c), 48.335 (4), 48.355 (2)
6 (b) 5., 48.355 (2) (b) 6., 48.355 (2b) (title), 48.355 (2c) (b), 48.355 (2d) (b) (intro.),
7 48.355 (2d) (c), 48.355 (2e) (title), 48.355 (2e) (a), 48.355 (2e) (b), 48.355 (2e) (c),
8 48.356 (1), 48.357 (2v) (c), 48.363 (1) (a), 48.365 (2g) (b) 2., 48.365 (2g) (b) 3.,
9 48.365 (2m) (a) 1., 48.365 (2m) (a) 1m., 48.365 (2m) (a) 3., 48.365 (2m) (ad),
10 48.365 (7), 48.371 (1) (a), 48.371 (1) (b), 48.371 (3) (intro.), 48.371 (4), 48.371 (5),
11 subchapter VII (title) of chapter 48 [precedes 48.38], 48.38 (title), 48.38 (1) (am),
12 48.38 (2) (intro.), 48.38 (3), 48.38 (4) (intro.), 48.38 (4) (ar), 48.38 (4) (br) 2., 48.38
13 (4) (f) 3., 48.38 (4) (fg) (intro.), 48.38 (4) (fg) 5., 48.38 (4) (i), 48.38 (4m) (title),
14 48.38 (4m) (a), 48.38 (4m) (c), 48.38 (5) (a), 48.38 (5) (ag), 48.38 (5) (am), 48.38

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(5) (bm) 2., 48.38 (5) (c) 2., 48.38 (5) (c) 5., 48.38 (5) (c) 6. (intro.), 48.38 (5) (c) 6. d., 48.38 (5) (c) 7., 48.38 (5) (d), 48.38 (5m) (title), 48.38 (5m) (a), 48.38 (5m) (b), 48.38 (5m) (c) 2., 48.38 (5m) (d), 48.38 (5m) (e), 48.38 (5m) (f), 48.38 (6) (a), 48.38 (6) (d), 48.417 (1) (a), 48.417 (2) (b), 48.417 (2) (c), 48.417 (2) (cm), 48.425 (1) (c), 48.43 (1) (c), 48.43 (1) (cm), 48.43 (2) (b), 48.43 (5) (a), 48.43 (5) (b) 1., 48.43 (5) (b) 2., 48.43 (5) (c), 48.43 (5m), 48.63 (4), 48.63 (5) (c), 48.63 (5) (d) 1., 48.63 (5) (d) 2., 48.63 (5) (d) 3., 48.63 (5) (d) 4., 48.63 (5) (d) 6., 48.831 (4) (e), 48.834 (1), 48.834 (2), 48.977 (3r), 48.977 (4) (e), 48.977 (4) (i), 49.471 (4) (a) 4. a., 49.471 (4) (b) 4. a., 146.82 (2) (a) 18m., 252.15 (3m) (d) 15., 757.69 (1) (g) 14., 767.41 (3) (b), 767.41 (3) (c), 808.075 (4) (a) 8., 808.075 (4) (fn) 8., 938.028 (4) (f) 1. d., 938.21 (5) (d), 938.235 (4) (a) 1., 938.235 (4) (a) 2., 938.315 (2m) (b), 938.32 (1) (c) 1. c., 938.32 (1) (d), 938.33 (4) (a), 938.33 (4) (c), 938.335 (3g) (c), 938.335 (4), 938.355 (2) (b) 5., 938.355 (2) (b) 6., 938.355 (2b) (title), 938.355 (2c) (b), 938.355 (2d) (b) (intro.), 938.355 (2d) (c), 938.355 (2e) (title), 938.355 (2e) (a), 938.355 (2e) (b), 938.355 (2e) (c), 938.356 (1), 938.357 (2v) (c), 938.363 (1) (a), 938.365 (2g) (b) 2., 938.365 (2g) (b) 3., 938.365 (2m) (a) 1., 938.365 (2m) (a) 1m., 938.365 (2m) (a) 3., 938.365 (2m) (ad), 938.365 (7), 938.371 (1) (a), 938.371 (1) (b), 938.371 (3) (intro.), 938.371 (4), 938.371 (5), subchapter VII (title) of chapter 938 [precedes 938.38], 938.38 (title), 938.38 (1) (am), 938.38 (2) (intro.), 938.38 (3) (intro.), 938.38 (3) (a), 938.38 (3) (b), 938.38 (4) (intro.), 938.38 (4) (ar), 938.38 (4) (br) 2., 938.38 (4) (f) 3., 938.38 (4) (fg) (intro.), 938.38 (4) (fg) 5., 938.38 (4) (i), 938.38 (4m) (title), 938.38 (4m) (a), 938.38 (4m) (c), 938.38 (5) (a), 938.38 (5) (ag), 938.38 (5) (am), 938.38 (5) (bm) 2., 938.38 (5) (c) 2., 938.38 (5) (c) 5., 938.38 (5) (c) 6. (intro.), 938.38 (5) (c) 6. d., 938.38 (5) (c) 7., 938.38 (5) (d), 938.38 (5m) (title), 938.38 (5m) (a), 938.38 (5m) (b), 938.38 (5m) (c) 2., 938.38 (5m) (d), 938.38 (5m)

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- 1 (e), 938.38 (5m) (f), 938.38 (6) (a) and 938.38 (6) (d); and **to create** 48.355 (2b)
 2 (a), 48.358, 48.38 (4) (fm) 1., 48.38 (5) (c) 6m., 48.38 (6) (f), 938.355 (2b) (a),
 3 938.358, 938.38 (4) (fm) 1., 938.38 (5) (c) 6m. and 938.38 (6) (f) of the statutes;
 4 **relating to:** case planning for a child placed in out-of-home care, including
 5 concurrent permanency goals, trial reunifications, and planned permanent
 6 living arrangements for such a child, ~~and granting rule-making authority.~~

Analysis by the Legislative Reference Bureau***Introduction***

Under current law, for each child living in an out-of-home placement, the county department of human services or social services, the licensed child welfare agency, or ~~in Milwaukee County~~, the Department of Children and Families (DCF) that placed the child or arranged the placement of the child or the agency assigned primary responsibility for providing services to the child (collectively "agency") must prepare a permanency plan for the child. A permanency plan must describe, among other things, the goal or goals of the permanency plan, with those goals being either the safe return of the child to his or her home or placement of the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement, such as sustaining care, independent living, or long-term foster care.

This bill changes the term "permanency plan" to "case plan" and makes certain other changes relating to case planning for a child placed in out-of-home care, including changes relating to: 1) concurrent planning; 2) trial reunifications; and 3) planned permanent living arrangements, for such a child.

Concurrent planning

Under current law, an agency, at the same time as the agency is making reasonable efforts to prevent the removal of a child from his or her home or to make it possible for the child to return home, may work with an adoption agency in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent placement (concurrent reasonable efforts). If an agency is making concurrent reasonable efforts, the child's permanency plan must include the goals of the permanency plan. ~~must determine~~

This bill eliminates the authority of an agency to make concurrent reasonable efforts and instead permits an agency to engage in concurrent planning, which the bill defines as reasonable efforts to work simultaneously towards ~~achieving~~ ^{GETV} more than one permanency goal for a child. Under the bill, an agency ~~whether to engage in concurrent planning must be made~~ ^{must determine} in accordance with standards established by DCF ~~by rule for determining whether an agency should engage in concurrent planning~~ (concurrent planning standards). If an agency

whether to engage in concurrent planning. If, according to the concurrent planning standards, concurrent planning is required, the agency must engage in concurrent planning and the juvenile court must make a finding as to whether the agency has made reasonable efforts to achieve the primary goal of the concurrent plan.

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determines to engage in concurrent planning for a child, the child's case plan must include the rationale for that determination and a description of the concurrent plan and the goals of the concurrent plan. In addition, if a child's case plan calls for concurrent planning, the court assigned to exercise jurisdiction under the Children's Code and the Juvenile Justice Code (juvenile court) or a case plan review panel appointed by the juvenile court, in reviewing the child's case plan, must determine the appropriateness, in light of the concurrent planning standards ~~established by~~ ~~DOF~~, of each of the permanency goals of the concurrent plan and, if the juvenile court or case plan review panel does not approve of any one or more of those goals, that court or panel must include in its determinations the reasons for that disapproval.

Trial reunifications

on the request of the person or agency primarily responsible for implementing a ~~dispositional~~ dispositional order of the juvenile court

Current law — changes in placement. Under current law, the juvenile court may order a change in placement for a child placed outside of his or her home under a dispositional order of the juvenile court. ~~The juvenile court may grant such an order on the request of the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel or on the request of the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order.~~ Current law also permits the person or agency primarily responsible for implementing the dispositional order to make an emergency change in placement if emergency conditions necessitate an immediate change in placement.

~~If the change in placement is requested by the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel, the notice of the proposed change in placement must contain the reasons for the change in placement, a statement describing why the new placement is preferable to the present placement, and a statement of how the new placement satisfies the objectives of the treatment plan ordered by the juvenile court, and the juvenile court may order the change in placement without a hearing, unless a party receiving the notice files an objection.~~

~~If the change in placement is requested by the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order, the request must state what new information is available that affects the advisability of the current placement, and the juvenile court must hold a hearing prior to ordering the change in placement, unless all parties receiving notice of the request sign written waivers of objection to the proposed change in placement.~~

The bill — trial reunifications. This bill provides a similar procedure under which the juvenile court may order a trial reunification, which the bill defines as a return of a child who is placed in an out-of-home placement to the home of his or her parent or ~~other primary caregiver~~ for a specified and limited period for the purpose of determining the appropriateness of ~~reuniting the child with that parent or other caregiver~~. The bill, however, does not permit an emergency trial reunification. Under the bill, if an emergency condition necessitates an immediate return of a child

*to that home**permanently returning*

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home from which the child was removed

to the home of his or her parent or other primary caregiver, the person or agency primarily responsible for implementing the dispositional order must make an emergency change in placement as provided under current law.

Under the bill, the juvenile court may order a trial reunification on the request of the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel or on the request of the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order or on its own motion

If the trial reunification is requested by the person or agency primarily responsible for implementing the dispositional order, the district attorney, or the corporation counsel, the notice of the proposed trial reunification must contain a statement describing why the trial reunification is preferable to the present placement and a statement describing how the trial reunification satisfies the objectives of the treatment plan ordered by the juvenile court, and the juvenile court may order the trial reunification without a hearing, unless a party receiving the notice files an objection. child's case plan. The

If the trial reunification is requested by the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order, the request must state what new information is available that indicates that the trial reunification is preferable to the present placement and must state that the trial reunification satisfies the objectives of the treatment plan ordered by the court, and the juvenile court must hold a hearing prior to ordering the trial reunification, unless all parties receiving notice of the request sign written waivers of objection to the proposed trial reunification child's case

If the juvenile court finds that the trial reunification is preferable to the present placement and that the trial reunification satisfies the objectives of the treatment plan ordered by the juvenile court, the juvenile court must grant an order authorizing the trial reunification. A trial reunification terminates 90 days after the date of the order, unless the juvenile court specifies a shorter period in the order, extends the trial reunification, or revokes the trial reunification. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the child to his or her out-of-home placement without further order of the juvenile court. or an

The bill also permits any person who is authorized to request a trial reunification to request an extension of the trial reunification. The request must contain a statement describing how the trial reunification is meeting the objectives of the treatment plan ordered by the court, and the same hearing requirements that apply to an original request for a trial reunification also apply to a request for an extension of a trial reunification. If the juvenile court finds that the trial reunification is meeting the objectives of the treatment plan ordered by the juvenile court, the juvenile court must grant an order extending the trial reunification for a period specified by the juvenile court not to exceed 60 days. Any number of

continues to be in the best interests of the child and continues to meet

or the person or agency primarily responsible for implementing the dispositional order makes an emergency change in placement

Notice of the proposed trial reunification must be provided to the child, the parent, guardian, legal custodian of the child, any foster parent or other physical custodian of the child, the child's court-appointed special advocate, all parties who are bound by the dispositional order, and in the case of an

In the best interests of the child

or may request the juvenile court to order a change in placement changing the placement of the child to the home of his or her parent or other home from which the child was removed

The person or agency primarily responsible for implementing the dispositional order

is in the best interests of the child and continues to meet the objectives of the child's case plan

home from which the child was removed

- 6 - no longer in the best interests of the child

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extensions may be granted, but the total period for a trial reunification may not exceed 150 days.

In addition, the bill permits the person or agency primarily responsible for implementing the dispositional order, ~~the district attorney, or the corporation counsel~~ to request the juvenile court to revoke a trial reunification if that person or agency, ~~district attorney, or corporation counsel~~ has reasonable cause to suspect that a child who has been returned to the home of his or her parent or other primary caregiver for a trial reunification has been abused or neglected, has reason to believe that such a child has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or otherwise has reason to believe that the trial reunification is ~~not meeting the objectives of the treatment plan ordered by the juvenile court.~~ The juvenile court must hold a hearing on a revocation request, and, if the juvenile court finds that the child, while returned to the home of his or her parent or other primary caregiver for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or finds that the trial reunification is ~~not meeting the objectives of the treatment plan ordered by the juvenile court,~~ the juvenile court must grant an order revoking the trial reunification and returning the child to his or her out-of-home placement.

Other planned permanent living arrangement

Under current law, if a goal of a child's permanency plan is an alternative permanent placement, the permanency plan must document a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative.

This bill changes the term "alternative permanent placement" to "other planned permanent living arrangement," and eliminates independent living as a planned permanent living arrangement option. The bill also permits a child's case plan to include the permanency goal of placement of the child in a planned permanent living arrangement only if the agency determines that there is a compelling reason why it would not be in the best interests of the child to pursue the safe return of the child to his or her home or placement of the child for adoption, with a guardian, or with a fit and willing relative. If an agency makes that determination, the child's case plan must include 1) a concurrent plan towards achieving the permanency goal of safely returning the child to his or her home or placing the child for adoption, with a guardian, or with a fit and willing relative as well as the permanency goal of placing the child in some other planned permanent living arrangement; and 2) the rationale for the permanency goal of placing the child in some other planned permanent living arrangement, and the efforts made to achieve that goal, including, if appropriate, through an out-of-state placement.

Compelling reason why it would not be in the best interests of the child to return the child to his or her home or to place the child for adoption, with a guardian, or with a fit and willing relative

an immediate removal of the child from the home of his or parent or other home from which the child has been removed

apply to an original request for a trial reunification also apply to a request for a revocation of a trial reunification - TC

No longer in the best interests of the child

any revocation request must state the reasons for the proposed revocation, and the same notice and hearing requirements that

13 no longer in the best interests of the child

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 48.028 (4) (g) 1. d. of the statutes is amended to read:

2 48.028 (4) (g) 1. d. Arrangements were made to provide natural and
3 unsupervised family interaction in the most natural setting that can ensure the
4 Indian child's safety, as appropriate to the goals of the Indian child's permanency
5 case plan, including arrangements for transportation and other assistance to enable
6 family members to participate in that interaction.

7 **SECTION 2.** 48.07 (5) (c) of the statutes is amended to read:

8 48.07 (5) (c) *Training.* A court-appointed special advocate program shall
9 require a volunteer or employee of the program selected under par. (b) to complete
10 a training program before the volunteer or employee may be designated as a
11 court-appointed special advocate under s. 48.236 (1). The training program shall
12 include instruction on recognizing child abuse and neglect, cultural competency, as
13 defined in s. 48.982 (1) (bm), child development, the procedures of the court,
14 permanency case planning, the activities of a court-appointed special advocate
15 under s. 48.236 (3) and information gathering and documentation, and shall include
16 observation of a proceeding under s. 48.13. A court-appointed special advocate
17 program shall also require each volunteer and employee of the program selected
18 under par. (b) to complete continuing training annually.

19 **SECTION 3.** 48.21 (5) (d) of the statutes is amended to read:

20 48.21 (5) (d) If the judge or circuit court commissioner finds that any of the
21 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,

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1 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
2 within 30 days after the date of that finding to determine the permanency case plan
3 for the child.

4 **SECTION 4.** 48.235 (4) (a) 1. of the statutes is amended to read:

5 48.235 (4) (a) 1. Participate in permanency case planning under ss. 48.38 and
6 48.43 (5).

7 **SECTION 5.** 48.235 (4) (a) 2. of the statutes is amended to read:

8 48.235 (4) (a) 2. Petition for a change in placement under s. 48.357 or a trial
9 reunification under s. 48.358.

10 **SECTION 6.** 48.235 (4m) (a) 1. of the statutes is amended to read:

11 48.235 (4m) (a) 1. Participate in permanency case planning under ss. 48.38 and
12 48.43 (5) after the child is born.

13 **SECTION 7.** 48.235 (4m) (a) 2. of the statutes is amended to read:

14 48.235 (4m) (a) 2. Petition for a change in placement under s. 48.357 or a trial
15 reunification under s. 48.358.

16 **SECTION 8.** 48.236 (3) (b) of the statutes is amended to read:

17 48.236 (3) (b) Maintain regular contact with the child for whom the designation
18 is made; monitor the appropriateness and safety of the environment of the child, the
19 extent to which the child and the child's family are complying with any consent
20 decree or dispositional order of the court and with any permanency case plan under
21 s. 48.38, and the extent to which any agency that is required to provide services for
22 the child and the child's family under a consent decree, dispositional order or
23 permanency case plan is providing those services; and, based on that regular contact
24 and monitoring, provide information to the court in the form of written reports or, if
25 requested by the court, oral testimony.

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1 **SECTION 9.** 48.299 (4) (b) of the statutes is amended to read:

2 48.299 (4) (b) Except as provided in s. 901.05, neither common law nor
3 statutory rules of evidence are binding at a hearing for a child held in custody under
4 s. 48.21, a hearing for an adult expectant mother held in custody under s. 48.213, a
5 runaway home hearing under s. 48.227 (4), a dispositional hearing, or a hearing
6 about changes in placement, trial reunifications, revision of dispositional orders,
7 extension of dispositional orders, or termination of guardianship orders entered
8 under s. 48.977 (4) (h) 2. or (6) or 48.978 (2) (j) 2. or (3) (g). At those hearings, the court
9 shall admit all testimony having reasonable probative value, but shall exclude
10 immaterial, irrelevant, or unduly repetitious testimony or evidence that is
11 inadmissible under s. 901.05. Hearsay evidence may be admitted if it has
12 demonstrable circumstantial guarantees of trustworthiness. The court shall give
13 effect to the rules of privilege recognized by law. The court shall apply the basic
14 principles of relevancy, materiality, and probative value to proof of all questions of
15 fact. Objections to evidentiary offers and offers of proof of evidence not admitted may
16 be made and shall be noted in the record.

17 **SECTION 10.** 48.315 (2m) (b) of the statutes is amended to read:

18 48.315 (2m) (b) The court making an initial finding under s. 48.38 (5m) that
19 the agency primarily responsible for providing services to the child has made
20 reasonable efforts to achieve the goals of the child's permanency case plan more than
21 12 months after the date on which the child was removed from the home or making
22 any subsequent findings under s. 48.38 (5m) as to those reasonable efforts more than
23 12 months after the date of a previous finding as to those reasonable efforts.

24 **SECTION 11.** 48.32 (1) (b) 1. c. of the statutes is amended to read:

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1 48.32 (1) (b) 1. c. If a permanency case plan has previously been prepared for
2 the child, a finding as to whether the county department, department, or agency has
3 made reasonable efforts to achieve the goal of the child's permanency case plan,
4 including, if appropriate, through an out-of-state placement,

5 **SECTION 12.** 48.32 (1) (c) of the statutes is amended to read:

6 48.32 (1) (c) If the judge or circuit court commissioner finds that any of the
7 circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent,
8 the judge or circuit court commissioner shall hold a hearing under s. 48.38 (4m)
9 within 30 days after the date of that finding to determine the permanency case plan
10 for the child.

11 **SECTION 13.** 48.33 (4) (a) of the statutes is amended to read:

12 48.33 (4) (a) A permanency case plan prepared under s. 48.38.

13 **SECTION 14.** 48.33 (4) (c) of the statutes is amended to read:

14 48.33 (4) (c) Specific information showing that continued placement of the child
15 in his or her home would be contrary to the welfare of the child, specific information
16 showing that the county department, the department, in a county having a
17 population of 500,000 or more, or the agency primarily responsible for providing
18 services to the child has made reasonable efforts to prevent the removal of the child
19 from the home, while assuring that the child's health and safety are the paramount
20 concerns, unless any of the circumstances specified in s. 48.355 (2d) (b) 1. to 5.
21 applies, and, if a permanency case plan has previously been prepared for the child,
22 specific information showing that the county department, department, or agency has
23 made reasonable efforts to achieve the goal of the child's permanency case plan,
24 including, if appropriate, through an out-of-state placement,

25 **SECTION 15.** 48.335 (3g) (c) of the statutes is amended to read:

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1 48.335 (3g) (c) That, if a permanency case plan has previously been prepared
2 for the child, the county department, department, or agency has made reasonable
3 efforts to achieve the goal of the child's permanency case plan, including, if
4 appropriate, through an out-of-state placement.

5 **SECTION 16.** 48.335 (4) of the statutes is amended to read:

6 48.335 (4) At hearings under this section, s. 48.357, ~~48.358~~, 48.363, or 48.365,
7 on the request of any party, unless good cause to the contrary is shown, the court may
8 admit testimony on the record by telephone or live audiovisual means, if available,
9 under s. 807.13 (2). The request and the showing of good cause may be made by
10 telephone.
11

12 **SECTION 17.** 48.355 (2) (b) 5. of the statutes is amended to read:

13 48.355 (2) (b) 5. For a child placed outside his or her home pursuant to an order
14 under s. 48.345, a permanency case plan under s. 48.38 if one has been prepared.

15 **SECTION 18.** 48.355 (2) (b) 6. of the statutes is amended to read:

16 48.355 (2) (b) 6. If the child is placed outside the home, a finding that continued
17 placement of the child in his or her home would be contrary to the welfare of the child,
18 a finding as to whether the county department, the department, in a county having
19 a population of 500,000 or more, or the agency primarily responsible for providing
20 services under a court order has made reasonable efforts to prevent the removal of
21 the child from the home, while assuring that the child's health and safety are the
22 paramount concerns, unless the court finds that any of the circumstances specified
23 in sub. (2d) (b) 1. to 5. applies, and, if a permanency case plan has previously been
24 prepared for the child, a finding as to whether the county department, department,
25 or agency has made reasonable efforts to achieve the goal of the child's permanency
case plan, including, if appropriate, through an out-of-state placement. The court

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shall make the findings specified in this subdivision on a case-by-case basis based on circumstances specific to the child and shall document or reference the specific information on which those findings are based in the court order,. A court order that merely references this subdivision without documenting or referencing that specific information in the court order or an amended court order that retroactively corrects an earlier court order that does not comply with this subdivision is not sufficient to comply with this subdivision.

SECTION 19. 48.355 (2b) (title) of the statutes is amended to read:

48.355 (2b) (title) CONCURRENT REASONABLE EFFORTS PLANNING PERMITTED.

SECTION 20. 48.355 (2b) of the statutes is renumbered 48.355 (2b) (b) and amended to read:

48.355 (2b) (b) A county department, the department, in a county having a population of 500,000 or more, or the agency primarily responsible for providing services to a child under a court order may at the same time as the county department, department, or agency is making the reasonable efforts required under sub. (2) (b) 6. to prevent the removal of the child from the home or to make it possible for the child to return safely to his or her home, work with the department, a county department under s. 48.57 (1) (e) or (hm), or a child welfare agency licensed under s. 48.61 (5) in making reasonable efforts to place the child for adoption, with a guardian, with a fit and willing relative, or in some other alternative permanent

placement, including reasonable efforts to identify an appropriate out-of-state placement engage in concurrent planning shall determine, in accordance with standards, whether to engage in concurrent planning shall be made in accordance with the standards established by the department under s. 48.38(6)(a). established by the department

SECTION 21. 48.355 (2b) (a) of the statutes is created to read:

IF, according to those standards, concurrent planning is required, the county department, department, or agency shall engage in concurrent planning and the court shall make a finding as to whether the county department, department, or agency has made reasonable efforts to achieve the primary goal of the child's case plan. Concurrent

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1 48.355 (2b) (a) In this subsection, “concurrent planning” means reasonable
2 efforts to work simultaneously towards achieving more than one of the permanency
3 goals listed in s. 48.38 (4) (fg) 1. to 5. for a child who is placed in out-of-home care
4 and for whom a case plan is required under s. 48.38 (2).

5 **SECTION 22.** 48.355 (2c) (b) of the statutes is amended to read:

6 48.355 (2c) (b) When a court makes a finding under sub. (2) (b) 6. as to whether
7 the county department, department, in a county having a population of 500,000 or
8 more, or agency primarily responsible for providing services to the child under a
9 court order has made reasonable efforts to achieve the goal of the permanency case
10 plan, the court’s consideration of reasonable efforts shall include the considerations
11 listed under par. (a) 1. to 5. and whether visitation schedules between the child and
12 his or her parents were implemented, unless visitation was denied or limited by the
13 court.

14 **SECTION 23.** 48.355 (2d) (b) (intro.) of the statutes is amended to read:

15 48.355 (2d) (b) (intro.) Notwithstanding sub. (2) (b) 6., the court is not required
16 to include in a dispositional order a finding as to whether the county department, the
17 department, in a county having a population of 500,000 or more, or the agency
18 primarily responsible for providing services under a court order has made reasonable
19 efforts with respect to a parent of a child to prevent the removal of the child from the
20 home, while assuring that the child’s health and safety are the paramount concerns,
21 or a finding as to whether the county department, department, or agency has made
22 reasonable efforts with respect to a parent of a child to achieve the permanency case
23 plan goal of returning the child safely to his or her home, if the court finds any of the
24 following:

25 **SECTION 24.** 48.355 (2d) (c) of the statutes is amended to read:

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1 48.355 (2d) (c) If the court finds that any of the circumstances specified in par.
2 (b) 1. to 5. applies with respect to a parent, the court shall hold a hearing under s.
3 48.38 (4m) within 30 days after the date of that finding to determine the permanency
4 case plan for the child.

5 **SECTION 25.** 48.355 (2e) (title) of the statutes is amended to read:

6 48.355 (2e) (title) **PERMANENCY CASE PLANS; FILING; AMENDED ORDERS; COPIES.**

7 **SECTION 26.** 48.355 (2e) (a) of the statutes is amended to read:

8 48.355 (2e) (a) If a permanency case plan has not been prepared at the time
9 the dispositional order is entered, or if the court orders a disposition that is not
10 consistent with the permanency case plan, the agency responsible for preparing the
11 plan shall prepare a permanency case plan that is consistent with the order or revise
12 the permanency case plan to conform to the order and shall file the plan with the
13 court within the time specified in s. 48.38 (3). A permanency case plan filed under
14 this paragraph shall be made a part of the dispositional order.

15 **SECTION 27.** 48.355 (2e) (b) of the statutes is amended to read:

16 48.355 (2e) (b) Each time a child's placement is changed under s. 48.357, a trial
17 reunification is ordered under s. 48.358, or a dispositional order is revised under s.
18 48.363 or extended under s. 48.365, the agency that prepared the permanency case
19 plan shall revise the plan to conform to the order and shall file a copy of the revised
20 plan with the court. Each plan filed under this paragraph shall be made a part of
21 the court order.

22 **SECTION 28.** 48.355 (2e) (c) of the statutes is amended to read:

23 48.355 (2e) (c) Either the court or the agency that prepared the permanency
24 case plan shall furnish a copy of the original plan and each revised plan to the child's
25 parent or guardian, to the child or the child's counsel or guardian ad litem, to the

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1 child's court-appointed special advocate and to the person representing the interests
2 of the public.

3 **SECTION 29.** 48.356 (1) of the statutes is amended to read:

4 48.356 (1) Whenever the court orders a child to be placed outside his or her
5 home, orders an expectant mother of an unborn child to be placed outside of her
6 home, or denies a parent visitation because the child or unborn child has been
7 adjudged to be in need of protection or services under s. 48.345, 48.347, 48.357,
8 48.363, or 48.365 and whenever the court reviews a permanency case plan under s.
9 48.38 (5m), the court shall orally inform the parent or parents who appear in court
10 or the expectant mother who appears in court of any grounds for termination of
11 parental rights under s. 48.415 which may be applicable and of the conditions
12 necessary for the child or expectant mother to be returned to the home or for the
13 parent to be granted visitation.

14 **SECTION 30.** 48.357 (2v) (c) of the statutes is amended to read:

15 48.357 (2v) (c) If the court finds under par. (a) 3. that any of the circumstances
16 specified in s. 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the court shall
17 hold a hearing under s. 48.38 (4m) within 30 days after the date of that finding to
18 determine the permanency case plan for the child.

19 **SECTION 31.** 48.358 of the statutes is created to read:

20 **48.358 Trial reunification.** (1) DEFINITION. In this section, "trial
21 reunification" means a return of a child who is placed in an out-of-home placement
22 under s. 48.355 or 48.357 to the home of his or her parent or ~~other caregiver~~
23 for a specified and limited period for the purpose of determining the appropriateness
24 of permanently returning the child ~~with that parent or other caregiver~~ to that home.

Insert
15-13

other home from which the
child was removed

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SECTION 31

(2) TRIAL REUNIFICATION; PROCEDURE. (a) *Request or proposal.* The person or agency primarily responsible for implementing the dispositional order ~~shall request, or the court on its own motion may propose, a trial reunification.~~ ^{that} The request or proposal shall contain the name and address of the ~~parent or other primary caregiver whose home~~ ^{that} is the site of the requested or proposed trial reunification, a statement describing why the trial reunification is ~~preferable to the present placement,~~ ^{in the best interests of the child} and a statement describing how the trial reunification satisfies the objectives of the ~~treatment plan ordered by the court.~~ ^{child's case}

2. If new information is available that indicates that a trial reunification is preferable to the present placement and that the trial reunification satisfies the objectives of the treatment plan ordered by the court, the child, the parent, guardian, legal custodian, or Indian custodian of the child, or any person or agency primarily bound by the dispositional order, other than the person or agency primarily responsible for implementing the dispositional order, may request, or the court on its own motion may propose, a trial reunification. The request or proposal shall contain the name and address of the parent or other primary caregiver whose home is the site of the requested or proposed trial reunification and shall state what new information is available that indicates that the trial reunification is preferable to the present placement and that the trial reunification satisfies the objectives of the treatment plan ordered by the court.

(22) No P. 3. No person may request or propose a trial reunification on the grounds that an emergency condition necessitates an immediate return of the child to the home of his or her parent or primary caregiver. If an emergency condition ^{necessitates} such

or other home from which the child was removed

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1 an immediate return, the person or agency primarily responsible for implementing
2 the dispositional order shall proceed as provided in s. 48.357 (2).

3 (b) *Notice; information required.* The person requesting the trial reunification
4 shall submit the request to the court. That person or the court shall cause written
5 notice of the requested or proposed trial reunification to be sent to the child, the
6 parent, guardian, and legal custodian of the child, any foster parent or other physical
7 custodian described in s. 48.62 (2) of the child, the child's court-appointed special
8 advocate, all parties who are bound by the dispositional order, and, if the child is an
9 Indian child who has been removed from the home of his or her parent or Indian
10 custodian, the Indian child's Indian custodian and tribe. The notice shall contain the
11 information that is required to be included in the request or proposal under par. (a)

12 ~~1. or 2., whichever is applicable.~~ Any

13 (c) *Hearing; when required.* ~~1. If the trial reunification is requested by the~~
14 ~~person or agency primarily responsible for implementing the dispositional order, the~~
15 ~~district attorney, or the corporation counsel, or if the trial reunification is proposed~~
16 ~~by the court under par. (a) 1., any person receiving the notice under par. (b), other~~
17 ~~than a court-appointed special advocate, may obtain a hearing on the matter by~~
18 ~~filing an objection with the court within 10 days after receipt of the notice.~~

19 ~~2. If the trial reunification is requested by the child, by the parent, guardian,~~
20 ~~legal custodian, or Indian custodian of the child, or by any person or agency primarily~~
21 ~~bound by the dispositional order, other than the person or agency primarily~~
22 ~~responsible for implementing the dispositional order, or if the trial reunification is~~
23 ~~proposed by the court under par. (a) 2., and if the request or proposal contains the~~
24 ~~information required under par. (a) 2., the court shall hold a hearing prior to ordering~~
25 ~~the trial reunification, unless written waivers of objection to the proposed trial~~

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continues to be in the best interests of the child and continues to meet

reunification are signed by all persons entitled to receive notice under par. (b), other than a court-appointed special advocate, and the court approves.

13. If a hearing is scheduled under subd. 1. or 2., not less than 3 days before the hearing the person requesting the trial reunification or the court shall provide notice of the hearing to all person who are entitled to receive notice under par. (b). A copy of the request or proposal for the trial reunification shall be attached to the notice. If all of the parties consent, the court may proceed immediately with the hearing.

(d) Order. If the court finds that the trial reunification is ~~preferable to the present placement~~ *in the best interests of the child* and that the trial reunification satisfies the objectives of the *child's case* ~~treatment plan ordered by the court~~, the court shall grant an order authorizing the trial reunification. A trial reunification shall terminate 90 days after the date of the order, unless the court specifies a shorter period in the order, extends the trial reunification under sub. (3), or revokes the trial reunification under sub. (4). No trial reunification order may extend the expiration date of the original dispositional order under s. 48.355 or any extension order under s. 48.365. A trial reunification under this section is not a change in placement under s. 48.357. At the end of a trial reunification, the person or agency primarily responsible for implementing the dispositional order may return the child to ^{an} ~~his or her~~ out-of-home placement without further order of the court.

(3) EXTENSION OF TRIAL REUNIFICATION. (a) *Extension request or proposal.* ~~Any~~ *person who is authorized to request or propose a trial reunification under sub. (2) (a) 1. or 2. may request or propose an extension of the trial reunification. The request or proposal shall contain a statement describing how the trial reunification is meeting the objectives of the treatment plan ordered by the court.* No later than 10 days prior to the expiration of the trial reunification, the person who requests or

The person or agency primarily responsible for implementing the dispositional order

(c) or the person or agency primarily responsible for implementing the dispositional order makes an emergency change in placement as provided in sub. (4) (d)

child's parent or other home from which the child was removed

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1 proposes the extension shall submit the request or proposal to the court that ordered
2 the trial reunification and shall cause notice of the request or proposal to be provided
3 to all persons who are entitled to receive notice under sub. (2) (b).

4 (b) *Extension hearing; when required.* ~~1. If the extension is requested or~~
5 ~~proposed by a person who is authorized to request or propose a trial reunification~~
6 ~~under sub. (2) (a) 1,~~ ^(Any) any person who is entitled to receive notice of the extension
7 request or proposal under par. (a), other than a court-appointed special advocate,
8 may obtain a hearing on the matter by filing an objection with the court within 5 days
9 after receipt of the notice.

10 ~~2. If the trial reunification is requested or proposed by a person who is~~
11 ~~authorized to request or propose a trial reunification under sub. (2) (a) 2., the court~~
12 ~~shall hold a hearing prior to ordering the extension, unless written waivers of~~
13 ~~objection to the requested or proposed extension are signed by all persons entitled~~
14 ~~to receive notice of the extension request or proposal under par. (a), other than a~~
15 ~~court-appointed special advocate, and the court approves.~~

16 ^(No P) ~~3.~~ If a hearing is scheduled, not less than 3 days before the hearing the person
17 requesting the extension or ^{the} court shall provide notice of the hearing to all persons
18 who are entitled to receive notice of the extension request or proposal under par. (a).
19 A copy of the request or proposal for the extension shall be attached to the notice.
20 If all of the parties consent, the court may proceed immediately with the hearing.

21 (c) *Extension order.* ^{(Continues to be in the best interests of the child and continues to meet} If the court finds that the trial reunification ~~is meeting the~~
22 objectives of the ^(child's case) ~~treatment plan ordered by the court,~~ the court shall grant an order
23 extending the trial reunification for a period specified by the court not to exceed 60
24 days. Any number of extensions may be granted under this paragraph, but the total
25 period for a trial reunification may not exceed 150 days.

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(4) REVOCATION OF TRIAL REUNIFICATION. (a) *Revocation request; information required.* If the person or agency primarily responsible for implementing the dispositional order, ~~the district attorney or the corporation counsel~~ has reasonable cause to suspect that a child who has been returned to the home of his or her parent ~~home from which the child was removed~~ or other ~~primary caregiver~~ for a trial reunification has been abused or neglected, has reason to believe that such a child has been threatened with abuse or neglect and that

abuse or neglect of the child is likely to occur, or otherwise has reason to believe that ~~the trial reunification is not meeting the objectives of the treatment plan ordered by the court~~ ^{is no longer in the best interests of the child and} ^{child's case} ~~the trial reunification is not meeting the objectives of the treatment plan ordered by the court~~ that person or agency, ~~district attorney, or corporation counsel~~ shall

request the court to revoke the trial reunification. That person or agency, ~~district attorney, or corporation counsel~~ shall submit the request to the court that ordered

the trial reunification and shall cause notice of the request to be provided to all persons who are entitled to receive notice of the trial reunification under a sub. (2).

(b). The request shall contain ~~the name and address of the child's out-of-home placement under s. 48.355 or 48.357 and the reasons for the proposed revocation.~~ ^{is when required}

(16) (b) *Revocation hearing.* ~~The court shall hold a hearing prior to ordering any revocation requested under par. (a). Not less than 3 days prior to the hearing, the court shall provide notice of the hearing, together with a copy of the request for the revocation, to all persons who are entitled to receive notice under sub. (2) (b). If all parties consent, the court may proceed immediately with the hearing.~~ ^{par. (a)}

(c) *Revocation order.* If the court finds that the child, while returned to the home of his or her parent or other ~~primary caregiver~~ ^{home from which the child was removed} for a trial reunification, has been abused or neglected, or has been threatened with abuse or neglect and that abuse or neglect of the child is likely to occur, or finds that the trial reunification ~~is not meeting the objectives of the treatment plan ordered by the court~~ ^{child's case} the court shall grant an

is no longer in the best interests of the child and

Any person who is entitled to receive notice of the revocation request under par. (c), other than a court-appointed special advocate, may obtain a hearing on the matter by filing an objection with the court within 5 days after receipt of the notice. If a hearing is scheduled, it

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(d)

(5)

Emergency change in placement

(an)

If emergency

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SECTION 31

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4. 48.357 (2)

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conditions necessitates an immediate removal of the child from the home of his or her parent or other home from which the child was removed by the person or agency primarily responsible.

order revoking the trial reunification and returning the child to his or her

out-of-home placement under s. 48.355 or 48.357.

(5) REMOVAL FROM FOSTER HOME OR OTHER PHYSICAL CUSTODIAN. If a hearing is

held under sub. (2) (c) ~~and~~ and the trial reunification would remove a child from a foster home or other placement with a physical custodian described in s. 48.62 (2), the court shall give the foster parent or other physical custodian a right to be heard at the hearing by permitting the foster parent or other physical custodian to make a written or oral statement during the hearing or to submit a written statement prior to the hearing relating to the child and the requested trial reunification. A foster parent or other physical custodian described in s. 48.62 (2) who receives notice of a hearing under sub. (2) (c) ~~and~~ and a right to be heard under this subsection does not become a party to the proceeding on which the hearing is held solely on the basis of receiving that notice and right to be heard.

(6) PROHIBITED TRIAL REUNIFICATIONS BASED ON HOMICIDE OF PARENT. (a)

Prohibition. Except as provided in par. (c), the court may not order a trial reunification in the home of a person who has been convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of a parent of the child, if the conviction has not been reversed, set aside, or vacated.

(b) *Revocation.* Except as provided in par. (c), if a parent in whose home a child is placed for a trial reunification is convicted under s. 940.01 of the first-degree intentional homicide, or under s. 940.05 of the 2nd-degree intentional homicide, of the child's other parent, and the conviction has not been reversed, set aside, or vacated, the court shall revoke the trial reunification as provided in sub. (4) (c)

BILL**SECTION 31**

1 (c) *Exception.* Paragraphs (a) and (b) do not apply if the court determines by
2 clear and convincing evidence that the placement would be in the best interests of
3 the child. The court shall consider the wishes of the child in making that
4 determination.

5 **SECTION 32.** 48.363 (1) (a) of the statutes is amended to read:

6 48.363 (1) (a) A child, the child's parent, guardian, legal custodian, or Indian
7 custodian, an expectant mother, an unborn child by the unborn child's guardian ad
8 litem, any person or agency bound by a dispositional order, or the district attorney
9 or corporation counsel in the county in which the dispositional order was entered
10 may request a revision in the order that does not involve a change in placement or
11 a trial reunification, including a revision with respect to the amount of child support
12 to be paid by a parent. The court may also propose a revision. The request or court
13 proposal shall set forth in detail the nature of the proposed revision and what new
14 information is available that affects the advisability of the court's disposition. The
15 request or court proposal shall be submitted to the court. The court shall hold a
16 hearing on the matter prior to any revision of the dispositional order if the request
17 or court proposal indicates that new information is available which affects the
18 advisability of the court's dispositional order, unless written waivers of objections to
19 the revision are signed by all parties entitled to receive notice and the court approves.

20 **SECTION 33.** 48.365 (2g) (b) 2. of the statutes is amended to read:

21 48.365 (2g) (b) 2. An evaluation of the child's adjustment to the placement and
22 of any progress the child has made, suggestions for amendment of the permanency
23 case plan, and specific information showing the efforts that have been made to
24 achieve the goal of the permanency case plan, including, if applicable, the efforts of
25 the parents to remedy the factors that contributed to the child's placement.

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1 **SECTION 34.** 48.365 (2g) (b) 3. of the statutes, as affected by 2009 Wisconsin Act
2 79, is amended to read:

3 48.365 (2g) (b) 3. If the child has been placed outside of his or her home in a
4 foster home, group home, residential care center for children and youth, or shelter
5 care facility for 15 of the most recent 22 months, not including any period during
6 which the child was a runaway from the out-of-home placement or ~~the first 6 months~~
7 ~~of any period during which the child~~ was returned to his or her home for a trial home
8 visit reunification, a statement of whether or not a recommendation has been made
9 to terminate the parental rights of the parents of the child. If a recommendation for
10 a termination of parental rights has been made, the statement shall indicate the date
11 on which the recommendation was made, any previous progress made to accomplish
12 the termination of parental rights, any barriers to the termination of parental rights,
13 specific steps to overcome the barriers and when the steps will be completed, reasons
14 why adoption would be in the best interest of the child, and whether or not the child
15 should be registered with the adoption information exchange. If a recommendation
16 for termination of parental rights has not been made, the statement shall include an
17 explanation of the reasons why a recommendation for termination of parental rights
18 has not been made. If the lack of appropriate adoptive resources is the primary
19 reason for not recommending a termination of parental rights, the agency shall
20 recommend that the child be registered with the adoption information exchange or
21 report the reason why registering the child is contrary to the best interest of the child.

22 **SECTION 35.** 48.365 (2m) (a) 1. of the statutes is amended to read:

23 48.365 (2m) (a) 1. Any party may present evidence relevant to the issue of
24 extension. If the child is placed outside of his or her home, the person or agency
25 primarily responsible for providing services to the child shall present as evidence

BILL**SECTION 35**

1 specific information showing that the person or agency has made reasonable efforts
2 to achieve the goal of the child's permanency case plan, including, if appropriate,
3 through an out-of-state placement, ~~under~~. If an Indian child is placed outside the
4 home of his or her parent or Indian custodian, the person or agency primarily
5 responsible for providing services to the Indian child shall also present as evidence
6 specific information showing that active efforts under s. 48.028 (4) (d) 2. have been
7 made to prevent the breakup of the Indian child's family and that those efforts have
8 proved unsuccessful.

9 **SECTION 36.** 48.365 (2m) (a) 1m. of the statutes is amended to read:

10 48.365 (2m) (a) 1m. The judge shall make findings of fact and conclusions of
11 law based on the evidence. The findings of fact shall include a finding as to whether
12 reasonable efforts were made by the person or agency primarily responsible for
13 providing services to the child to achieve the goal of the child's permanency case plan,
14 including, if appropriate, through an out-of-state placement, ~~under~~. If the child is
15 an Indian child who is placed outside the home of his or her parent or Indian
16 custodian, the findings of fact shall also include a finding that active efforts under
17 s. 48.028 (4) (d) 2. were made to prevent the breakup of the Indian child's family and
18 that those efforts have proved unsuccessful. An order shall be issued under s. 48.355.

19 **SECTION 37.** 48.365 (2m) (a) 3. of the statutes is amended to read:

20 48.365 (2m) (a) 3. The judge shall make the findings under subd. 1m. relating
21 to reasonable efforts to achieve the goal of the child's permanency case plan and the
22 findings under subd. 2. on a case-by-case basis based on circumstances specific to
23 the child and shall document or reference the specific information on which those
24 findings are based in the order issued under s. 48.355. An order that merely
25 references subd. 1m. or 2. without documenting or referencing that specific

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1 the child and shall document or reference the specific information on which those
2 findings are based in the order issued under s. 48.355. An order that merely
3 references subd. 1m. or 2. without documenting or referencing that specific
4 information in the order or an amended order that retroactively corrects an earlier
5 order that does not comply with this subdivision is not sufficient to comply with this
6 subdivision.

7 **SECTION 40.** 48.365 (2m) (ad) of the statutes is amended to read:

8 48.365 **(2m)** (ad) If the judge finds that any of the circumstances under s.
9 48.355 (2d) (b) 1. to 5. applies with respect to a parent, the judge shall hold a hearing
10 under s. 48.38 (4m) within 30 days after the date of that finding to determine the
11 permanency case plan for the child.

12 **SECTION 41.** 48.365 (7) of the statutes is amended to read:

13 48.365 **(7)** Nothing in this section may be construed to allow any changes in
14 placement or trial reunifications. Changes in placement may take place only under
15 s. 48.357, and trial reunifications may take place only under s. 48.358.

16 **SECTION 42.** 48.371 (1) (a) of the statutes is amended to read:

17 48.371 **(1)** (a) Results of an HIV test, as defined in s. 252.01 (2m), of the child,
18 as provided under s. 252.15 (3m) (d) 15., including results included in a court report
19 or permanency case plan. At the time that the HIV test results are provided, the
20 agency shall notify the foster parent, relative, or operator of the group home or
21 residential care center for children and youth of the confidentiality requirements
22 under s. 252.15 (6).

23 **SECTION 43.** 48.371 (1) (b) of the statutes is amended to read:

BILL**SECTION 42**

1 48.371 (3) (intro.) At the time of placement of a child in a foster home, group
2 home, or residential care center for children and youth or in the home of a relative
3 other than a parent or, if the information is not available at that time, as soon as
4 possible after the date on which the court report or permanency case plan has been
5 submitted, but no later than 7 days after that date, the agency, as defined in s. 48.38
6 (1) (a), responsible for preparing the child's permanency case plan shall provide to
7 the foster parent, relative, or operator of the group home or residential care center
8 for children and youth information contained in the court report submitted under s.
9 48.33 (1), 48.365 (2g), 48.425 (1), 48.831 (2), or 48.837 (4) (c) or permanency case plan
10 submitted under s. 48.355 (2e), 48.38, 48.43 (1) (c) or (5) (c), 48.63 (4) or (5) (c), or
11 48.831 (4) (e) relating to findings or opinions of the court or agency that prepared the
12 court report or permanency case plan relating to any of the following:

13 **SECTION 43.** 48.371 (4) of the statutes is amended to read:

14 48.371 (4) Subsection (1) does not preclude an agency, as defined in s. 48.38 (1)
15 (a), that is arranging for the placement of a child from providing the information
16 specified in sub. (1) (a) to (c) to a person specified in sub. (1) (intro.) before the time
17 of placement of the child. Subsection (3) does not preclude an agency, as defined in
18 s. 48.38 (1) (a), responsible for preparing a child's court report or permanency case
19 plan from providing the information specified in sub. (3) (a) to (e) to a person specified
20 in sub. (3) (intro.) before the time of placement of the child.

21 **SECTION 44.** 48.371 (5) of the statutes is amended to read:

22 48.371 (5) Except as permitted under s. 252.15 (6), a foster parent, relative, or
23 operator of a group home or residential care center for children and youth that
24 receives any information under sub. (1) or (3), other than the information described
25 in sub. (3) (e), shall keep the information confidential and may disclose that

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information only for the purposes of providing care for the child or participating in a court hearing or permanency case plan review concerning the child.

SECTION 45. Subchapter VII (title) of chapter 48 [precedes 48.38] of the statutes is amended to read:

CHAPTER 48**SUBCHAPTER VII****PERMANENCY CASE PLANNING; RECORDS**

SECTION 46. 48.38 (title) of the statutes is amended to read:

48.38 (title) Permanency Case planning.

SECTION 47. 48.38 (1) (am) of the statutes is amended to read:

48.38 (1) (am) "Independent agency" means a private, nonprofit organization, but does not include a licensed child welfare agency that is authorized to prepare permanency case plans or that is assigned the primary responsibility of providing services under a permanency case plan.

SECTION 48. 48.38 (1) (b) of the statutes is renumbered ~~48.38 (1) (ag)~~ and amended to read:

~~48.38 (1) (ag)~~ "Permanency Case plan" means a plan designed to ensure that a child is reunified with his or her family whenever appropriate, or that the child quickly attains a placement or home providing long-term stability.

SECTION 49. 48.38 (2) (intro.) of the statutes is amended to read:

48.38 (2) PERMANENCY CASE PLAN REQUIRED. (intro.) Except as provided in sub. (3), for each child living in a foster home, group home, residential care center for children and youth, juvenile detention facility, or shelter care facility, the agency that placed the child or arranged the placement or the agency assigned primary responsibility for providing services to the child under s. 48.355 (2) (b) 6g. shall

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1 prepare a written permanency case plan, if any of the following conditions exists,
2 and, for each child living in the home of a relative other than a parent, that agency
3 shall prepare a written permanency case plan, if any of the conditions specified in
4 pars. (a) to (e) exists:

5 **SECTION 50.** 48.38 (3) of the statutes is amended to read:

6 48.38 (3) TIME. Subject to sub. (4m) (a), the agency shall file the permanency
7 case plan with the court within 60 days after the date on which the child was first
8 removed from his or her home, except that if the child is held for less than 60 days
9 in a juvenile detention facility, juvenile portion of a county jail, or a shelter care
10 facility, no permanency case plan is required if the child is returned to his or her home
11 within that period.

12 **SECTION 51.** 48.38 (4) (intro.) of the statutes is amended to read:

13 48.38 (4) CONTENTS OF PLAN. (intro.) The permanency case plan shall include
14 all of the following:

15 **SECTION 52.** 48.38 (4) (ar) of the statutes is amended to read:

16 48.38 (4) (ar) A description of the services offered and any services provided in
17 an effort to prevent the removal of the child from his or her home, while assuring that
18 the health and safety of the child are the paramount concerns, and to achieve the goal
19 of the permanency case plan, except that the permanency case plan is not required
20 to include a description of the services offered or provided with respect to a parent
21 of the child to prevent the removal of the child from the home or to achieve the
22 permanency case plan goal of returning the child safely to his or her home if any of
23 the circumstances specified in s. 48.355 (2d) (b) 1. to 5. applies to that parent.

24 **SECTION 53.** 48.38 (4) (br) 2. of the statutes is amended to read:

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in which the child is in a long-term relationship
with an adult

1 48.38 (4) (br) 2. If the child has one or more siblings who have also been
2 removed from the home, a description of the efforts made to place the child in a
3 placement that enables the sibling group to remain together and, if a decision is made
4 not to place the child and his or her siblings in a joint placement, a statement as to
5 why a joint placement would be contrary to the safety or well-being of the child or
6 any of those siblings and a description of the efforts made to provide for frequent
7 visitation or other ongoing interaction between the child and those siblings. If a
8 decision is made not to provide for that visitation or interaction, the permanency case
9 plan shall include a statement as to why that visitation or interaction would be
10 contrary to the safety or well-being of the child or any of those siblings.

11 SECTION 54. 48.38 (4) (f) 3. of the statutes is amended to read:

12 48.38 (4) (f) 3. Improve the conditions of the parents' home to facilitate the safe
13 return of the child to his or her home, or, if appropriate, obtain an alternative
14 permanent placement for the child a placement for adoption, with a guardian, with
15 a fit and willing relative, or in some other planned permanent living arrangement.

16 SECTION 55. 48.38 (4) (fg) (intro.) of the statutes is amended to read:

17 48.38 (4) (fg) (intro.) The goal of the permanency case plan or, if the agency is
18 making concurrent reasonable efforts under engaging in concurrent planning, as
19 defined in s. 48.355 (2b) (a), the goals of the permanency case plan. If a goal of the
20 permanency case plan is any goal other than return of the child to his or her home
21 to place the child for adoption, with a guardian, or with a fit and willing relative, the
22 permanency case plan shall include the rationale for deciding on that goal. If a goal
23 of the permanency plan is an alternative permanent placement under subd. 5., the
24 permanency plan shall document a compelling reason why it would not be in the best
25 interest of the child to pursue a goal specified in subds. 1. to 4. and the efforts made

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primary and concurrent

1 to achieve that goal, including, if appropriate, through an out-of-state placement.

2 If the agency determines under s. 48.355 (2b) (b) to engage in concurrent planning,

3 the case plan shall include the rationale for that determination and a description of

4 the concurrent plan and the goals of the concurrent plan. The agency shall determine

5 one or more of the following goals to be the goal or goals of a child's permanency case

6 plan: in which the child is in a long-term relationship with an adult

7 SECTION 56. 48.38 (4) (fg) 5. of the statutes is amended to read:

8 48.38 (4) (fg) 5. ~~Some~~ As provided in par. (fm), some other alternative planned

9 permanent placement living arrangement, including sustaining care, independent

10 living, or long-term foster care. , but not including independent living

11 SECTION 57. 48.38 (4) (fm) of the statutes is renumbered 48.38 (4) (fm) (intro.)

12 and amended to read:

13 48.38 (4) (fm) (intro.) If the goal of the permanency plan is to agency determines

14 that there is a compelling reason why it would not be in the best interests of the child

15 to return the child to his or her home or to place the child for adoption, with a

16 guardian, or with a fit and willing relative, or the permanency goal of placing the

17 child in some other alternative planned permanent placement, living arrangement

18 described in par. (fg) 5. If the agency makes that determination, the plan shall

19 include all of the following:

20 2. The rationale for the permanency goal of placing the child in the planned

21 permanent living arrangement and the efforts made to achieve that goal, including,

22 if appropriate, through an out-of-state placement.

23 SECTION 58. 48.38 (4) (fm) 1. of the statutes is created to read:

compelling reason why it would not be in the best interests of the child
to return the child to his or her home or to place the child for
adoption, with a guardian, or with a fit and willing relative

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1 48.38 (4) (fm) 1. A concurrent plan under s. 48.355 (2b) (b) towards achieving
2 a permanency goal under par. (fg) 1. to 4. as well as the permanency goal under par.
3 (fg) 5.

4 **SECTION 59.** 48.38 (4) (i) of the statutes is amended to read:

5 48.38 (4) (i) A statement as to whether the child's age and developmental level
6 are sufficient for the court to consult with the child at the permanency case plan
7 determination hearing under sub. (4m) (c) or at the permanency case plan hearing
8 under sub. (5m) (c) 2. or s. 48.43 (5) (b) 2. or for the court or panel to consult with the
9 child at the permanency case plan review under sub. (5) (bm) 2. and, if a decision is
10 made that it would not be age appropriate or developmentally appropriate for the
11 court or panel to consult with the child, a statement as to why consultation with the
12 child would not be appropriate.

13 **SECTION 60.** 48.38 (4m) (title) of the statutes is amended to read:

14 48.38 (4m) (title) REASONABLE EFFORTS NOT REQUIRED; PERMANENCY PERMANENCY
15 CASE PLAN DETERMINATION HEARING.

16 **SECTION 61.** 48.38 (4m) (a) of the statutes is amended to read:

17 48.38 (4m) (a) If in a proceeding under s. 48.21, 48.32, 48.355, 48.357, or 48.365
18 the court finds that any of the circumstances under s. 48.355 (2d) (b) 1. to 5. applies
19 with respect to a parent, the court shall hold a hearing within 30 days after the date
20 of that finding to determine the permanency case plan for the child. If a hearing is
21 held under this paragraph, the agency responsible for preparing the permanency
22 case plan shall file the permanency case plan with the court not less than 5 days
23 before the date of the hearing. At the hearing, the court shall consider placing the
24 child in a placement outside this state if the court determines that such a placement

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1 would be in the best interests of the child and appropriate to achieving the goal of the
2 child's permanency case plan.

3 **SECTION 62.** 48.38 (4m) (c) of the statutes is amended to read:

4 48.38 (4m) (c) If the child's permanency case plan includes a statement under
5 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
6 the court to consult with the child regarding the child's permanency case plan or if,
7 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
8 court to consult with the child, the court determines that consultation with the child
9 would be in the best interests of the child, the court shall consult with the child, in
10 an age-appropriate and developmentally appropriate manner, regarding the child's
11 permanency case plan and any other matters the court finds appropriate. If none of
12 those circumstances apply, the court may permit the child's caseworker, the child's
13 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
14 or oral statement during the hearing, or to submit a written statement prior to the
15 hearing, expressing the child's wishes, goals, and concerns regarding the
16 permanency case plan and those matters. If the court permits such a written or oral
17 statement to be made or submitted, the court may nonetheless require the child to
18 be physically present at the hearing.

19 **SECTION 63.** 48.38 (5) (a) of the statutes is amended to read:

20 48.38 (5) (a) Except as provided in s. 48.63 (5) (d), the court or a panel appointed
21 under par. (ag) shall review the permanency case plan in the manner provided in this
22 subsection not later than 6 months after the date on which the child was first
23 removed from his or her home and every 6 months after a previous review under this
24 subsection for as long as the child is placed outside the home, except that for the
25 review that is required to be conducted not later than 12 months after the child was

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1 first removed from his or her home and the reviews that are required to be conducted
2 every 12 months after that review the court shall hold a hearing under sub. (5m) to
3 review the permanency case plan, which hearing may be instead of or in addition to
4 the review under this subsection.

5 **SECTION 64.** 48.38 (5) (ag) of the statutes is amended to read:

6 48.38 (5) (ag) If the court elects not to review the permanency case plan, the
7 court shall appoint a panel to review the permanency case plan. The panel shall
8 consist of 3 persons who are either designated by an independent agency that has
9 been approved by the chief judge of the judicial administrative district or designated
10 by the agency that prepared the permanency case plan. A voting majority of persons
11 on each panel shall be persons who are not employed by the agency that prepared the
12 permanency case plan and who are not responsible for providing services to the child
13 or the parents of the child whose permanency case plan is the subject of the review.

14 **SECTION 65.** 48.38 (5) (am) of the statutes is amended to read:

15 48.38 (5) (am) The court may appoint an independent agency to designate a
16 panel to conduct a permanency case plan review under par. (a). If the court in a
17 county having a population of less than 500,000 appoints an independent agency
18 under this paragraph, the county department of the county of the court shall
19 authorize and contract for the purchase of services from the independent agency. If
20 the court in a county having a population of 500,000 or more appoints an independent
21 agency under this paragraph, the department shall authorize and contract for the
22 purchase of services from the independent agency.

23 **SECTION 66.** 48.38 (5) (bm) 2. of the statutes is amended to read:

24 48.38 (5) (bm) 2. If the child's permanency case plan includes a statement under
25 sub. (4) (i) indicating that the child's age and developmental level are sufficient for

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1 the court or panel to consult with the child regarding the child's permanency case
2 plan or if, notwithstanding a decision under sub. (4) (i) that it would not be
3 appropriate for the court or panel to consult with the child, the court or panel
4 determines that consultation with the child would be in the best interests of the child,
5 the court or panel shall consult with the child, in an age-appropriate and
6 developmentally appropriate manner, regarding the child's permanency case plan
7 and any other matters the court or panel finds appropriate. If none of those
8 circumstances apply, the court or panel may permit the child's caseworker, the child's
9 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
10 or oral statement during the review, or to submit a written statement prior to the
11 review, expressing the child's wishes, goals, and concerns regarding the permanency
12 case plan and those matters. If the court or panel permits such a written or oral
13 statement to be made or submitted, the court or panel may nonetheless require the
14 child to be physically present at the review.

15 **SECTION 67.** 48.38 (5) (c) 2. of the statutes is amended to read:

16 48.38 (5) (c) 2. The extent of compliance with the permanency case plan by the
17 agency and any other service providers, the child's parents, the child and the child's
18 guardian, if any.

*in which the child is in a long-term relationship with an
adult*

19 **SECTION 68.** 48.38 (5) (c) 5. of the statutes is amended to read:

20 48.38 (5) (c) 5. The date by which it is likely that the child will be returned to
21 his or her home or placed for adoption, with a guardian, with a fit and willing relative,
22 or in some other alternative planned permanent placement living arrangement.

23 **SECTION 69.** 48.38 (5) (c) 6. (intro.) of the statutes is amended to read:

24 48.38 (5) (c) 6. (intro.) If the child has been placed outside of his or her home,
25 as described in s. 48.365 (1), in a foster home, group home, residential care center for

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1 children and youth, or shelter care facility for 15 of the most recent 22 months, not
2 including any period during which the child was a runaway from the out-of-home
3 placement or ~~the first 6 months of any period during which the child was returned~~
4 to his or her home for a trial ~~home visit~~ reunification, the appropriateness of the
5 permanency case plan and the circumstances which prevent the child from any of the
6 following: In which the child is in a long-term relationship with an adult

7 **SECTION 70.** 48.38 (5) (c) 6. d. of the statutes is amended to read:

8 48.38 (5) (c) 6. d. Being placed in some other alternative planned permanent
9 placement living arrangement, including sustaining care, ~~independent living~~, or
10 long-term foster care. , but not including independent living

11 **SECTION 71.** 48.38 (5) (c) 6m. of the statutes is created to read:

12 48.38 (5) (c) 6m. If the case plan calls for concurrent planning, as defined in s.
13 48.355 (2b) (a), the appropriateness, in light of the standards established by the
14 department ~~under sub (5) (d)~~, of each of the permanency goals of the concurrent plan.
15 If the court or panel does not approve of any one or more of those goals, the court or
16 panel must include in its determinations under this paragraph the reasons for that
17 disapproval.

18 **SECTION 72.** 48.38 (5) (c) 7. of the statutes is amended to read:

19 48.38 (5) (c) 7. Whether reasonable efforts were made by the agency to achieve
20 the goal of the permanency case plan, including, if appropriate, through an
21 out-of-state placement,

22 **SECTION 73.** 48.38 (5) (d) of the statutes is amended to read:

23 48.38 (5) (d) Notwithstanding s. 48.78 (2) (a), the agency that prepared the
24 permanency case plan shall, at least 5 days before a review by a review panel, provide
25 to each person appointed to the review panel, the child's parent, guardian, and legal

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1 custodian, the person representing the interests of the public, the child's counsel, the
2 child's guardian ad litem, the child's court-appointed special advocate, and, if the
3 child is an Indian child who is placed outside the home of his or her parent or Indian
4 custodian, the Indian child's Indian custodian and tribe a copy of the permanency
5 case plan and any written comments submitted under par. (bm) 1. Notwithstanding
6 s. 48.78 (2) (a), a person appointed to a review panel, the person representing the
7 interests of the public, the child's counsel, the child's guardian ad litem, the child's
8 court-appointed special advocate, and, if the child is an Indian child who is placed
9 outside the home of his or her parent or Indian custodian, the Indian child's Indian
10 custodian and tribe may have access to any other records concerning the child for the
11 purpose of participating in the review. A person permitted access to a child's records
12 under this paragraph may not disclose any information from the records to any other
13 person.

14 **SECTION 74.** 48.38 (5m) (title) of the statutes is amended to read:

15 48.38 (5m) (title) PERMANENCY CASE PLAN HEARING.

16 **SECTION 75.** 48.38 (5m) (a) of the statutes is amended to read:

17 48.38 (5m) (a) The court shall hold a hearing to review the permanency case
18 plan and to make the determinations specified in sub. (5) (c) no later than 12 months
19 after the date on which the child was first removed from the home and every 12
20 months after a previous hearing under this subsection for as long as the child is
21 placed outside the home.

22 **SECTION 76.** 48.38 (5m) (b) of the statutes is amended to read:

23 48.38 (5m) (b) Not less than 30 days before the date of the hearing, the court
24 shall notify the child; the child's parent, guardian, and legal custodian; and the
25 child's foster parent, the operator of the facility in which the child is living, or the

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1 relative with whom the child is living; of the time, place, and purpose of the hearing,
2 of the issues to be determined at the hearing, and of the fact that they shall have a
3 right to be heard at the hearing as provided in par. (c) 1. and shall notify the child's
4 counsel, the child's guardian ad litem, and the child's court-appointed special
5 advocate; the agency that prepared the permanency case plan; the person
6 representing the interests of the public; and, if the child is an Indian child who is
7 placed outside the home of his or her parent or Indian custodian, the Indian child's
8 Indian custodian and tribe of the date, time, and place, and purpose of the hearing,
9 of the issues to be determined at the hearing, and of the fact that they may have an
10 opportunity to be heard at the hearing as provided in par. (c) 1.

11 **SECTION 77.** 48.38 (5m) (c) 2. of the statutes is amended to read:

12 48.38 (5m) (c) 2. If the child's permanency case plan includes a statement under
13 sub. (4) (i) indicating that the child's age and developmental level are sufficient for
14 the court to consult with the child regarding the child's permanency case plan or if,
15 notwithstanding a decision under sub. (4) (i) that it would not be appropriate for the
16 court to consult with the child, the court determines that consultation with the child
17 would be in the best interests of the child, the court shall consult with the child, in
18 an age-appropriate and developmentally appropriate manner, regarding the child's
19 permanency case plan and any other matters the court finds appropriate. If none of
20 those circumstances apply, the court may permit the child's caseworker, the child's
21 counsel, or, subject to s. 48.235 (3) (a), the child's guardian ad litem to make a written
22 or oral statement during the hearing, or to submit a written statement prior to the
23 hearing, expressing the child's wishes, goals, and concerns regarding the
24 permanency case plan and those matters. If the court permits such a written or oral

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1 statement to be made or submitted, the court may nonetheless require the child to
2 be physically present at the hearing.

3 **SECTION 78.** 48.38 (5m) (d) of the statutes is amended to read:

4 48.38 (5m) (d) At least 5 days before the date of the hearing the agency that
5 prepared the permanency case plan shall provide a copy of the permanency case plan
6 and any written comments submitted under par. (c) 1. to the court, to the child's
7 parent, guardian, and legal custodian, to the person representing the interests of the
8 public, to the child's counsel or guardian ad litem, to the child's court-appointed
9 special advocate, and, if the child is an Indian child who is placed outside the home
10 of his or her parent or Indian custodian, to the Indian child's Indian custodian and
11 tribe. Notwithstanding s. 48.78 (2) (a), the person representing the interests of the
12 public, the child's counsel or guardian ad litem, the child's court-appointed special
13 advocate, and, if the child is an Indian child who is placed outside of the home of his
14 or her parent or Indian custodian, the Indian child's Indian custodian and tribe may
15 have access to any other records concerning the child for the purpose of participating
16 in the review. A person permitted access to a child's records under this paragraph
17 may not disclose any information from the records to any other person.

18 **SECTION 79.** 48.38 (5m) (e) of the statutes is amended to read:

19 48.38 (5m) (e) After the hearing, the court shall make written findings of fact
20 and conclusions of law relating to the determinations under sub. (5) (c) and shall
21 provide a copy of those findings of fact and conclusions of law to the child; the child's
22 parent, guardian, and legal custodian; the child's foster parent, the operator of the
23 facility in which the child is living, or the relative with whom the child is living; the
24 child's court-appointed special advocate; the agency that prepared the permanency
25 case plan; the person representing the interests of the public; and, if the child is an

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1 Indian child who is placed outside the home of his or her parent or Indian custodian,
2 the Indian child's Indian custodian and tribe. The court shall make the findings
3 specified in sub. (5) (c) 7. on a case-by-case basis based on circumstances specific to
4 the child and shall document or reference the specific information on which those
5 findings are based in the findings of fact and conclusions of law prepared under this
6 paragraph. Findings of fact and conclusions of law that merely reference sub. (5) (c)
7 7. without documenting or referencing that specific information in the findings of fact
8 and conclusions of law or amended findings of fact and conclusions of law that
9 retroactively correct earlier findings of fact and conclusions of law that do not comply
10 with this paragraph are not sufficient to comply with this paragraph.

11 **SECTION 80.** 48.38 (5m) (f) of the statutes is amended to read:

12 48.38 (5m) (f) If the findings of fact and conclusions of law under par. (e) conflict
13 with the child's dispositional order or provide for any additional services not specified
14 in the dispositional order, the court shall revise the dispositional order under s.
15 48.363 ~~or~~, order a change in placement under s. 48.357, or order a trial reunification
16 under s. 48.358, as appropriate.

17 **SECTION 81.** 48.38 (6) (a) of the statutes is amended to read:

18 48.38 (6) (a) Procedures for conducting ~~permanency case~~ plan reviews.

19 **SECTION 82.** 48.38 (6) (d) of the statutes is amended to read:

20 48.38 (6) (d) The format for ~~permanency case~~ plans and review panel reports.

21 **SECTION 83.** 48.38 (6) (f) of the statutes is created to read:

22 48.38 (6) (f) Standards for determining whether a county department, the
23 department, in a county having a population of 500,000 or more, or the agency
24 primarily responsible for providing services to a child should engage in concurrent
25 planning, as defined in s. 48.355 (2b) (a).

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SECTION 84. 48.417 (1) (a) of the statutes is amended to read:

48.417 (1) (a) The child has been placed outside of his or her home, as described in s. 48.365 (1) or 938.365 (1), in a foster home, group home, nonsecured residential care center for children and youth, or shelter care facility for 15 of the most recent 22 months, not including any period during which the child was a runaway from the out-of-home placement or ~~the first 6 months of any period during which the child~~ was returned to his or her home for a trial ~~home visit~~ reunification. If the circumstances specified in this paragraph apply, the petition shall be filed or joined in by the last day of the 15th month, as described in this paragraph, for which the child was placed outside of his or her home.

SECTION 85. 48.417 (2) (b) of the statutes is amended to read:

48.417 (2) (b) The child's permanency case plan indicates and provides documentation that termination of parental rights to the child is not in the best interests of the child.

SECTION 86. 48.417 (2) (c) of the statutes is amended to read:

48.417 (2) (c) The agency primarily responsible for providing services to the family under a court order, if required under s. 48.355 (2) (b) 6. to make reasonable efforts to make it possible for the child to return safely to his or her home, has not provided to the family of the child, consistent with the time period in the child's permanency case plan, the services necessary for the safe return of the child to his or her home.

SECTION 87. 48.417 (2) (cm) of the statutes is amended to read:

48.417 (2) (cm) In the case of an Indian child, the agency primarily responsible for providing services to the Indian child and the family under a court order, if required under s. 48.355 (2) (b) 6v. to make active efforts under s. 48.028 (4) (d) 2. to